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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/757,813	01/10/2001	Nobuhiro Komata	SCEI 18.056	7364

26304 7590 04/04/2003

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EXAMINER

RADA, ALEX P

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 04/04/2003

16

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/757,813

Applicant(s)

KOMATA, NOBUHIRO *MF*

Examiner

Alex P. Rada

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-12 is/are allowed.
- 6) ☒ Claim(s) 1-7 and 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 8.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Response to Amendment

In response to the amendment filed October 25, 2002 in which the applicant has amended claims 1-2, 8, and 13 and claims 1-13 are pending in this application.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Furukawa JP Pub. No. 5-87760 in view of Best '259.

Furukawa discloses a pressure-sensing switch for a video game for processing the output of a controller which has pressure-sensitive means for sensing a magnitude of a pushing pressure of a player on the controller and a processing program that processes the output of the controller as the player controls are varied with the pushing pressure magnitude as recited in claims 1 and 13; the processing program process patterns of changes in the output of the controller as the degree of intensity of the player as recited in claim 2; and the patterns of changes are a combination of gradual changes and rapid changes as recited in claim 3. Furukawa does not expressly disclose an executable game software program that includes scenes of exchanges between a player or an on-screen character controlled by the player and other on-screen character and a program that performs processing by taking as instruction an output from a controller and the software

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program processing a program that processes the output of the controller as an emotion and the different magnitude of output values for different emotions as recited in claims 1, 4-7, and 13.

Best teaches a talking video game having a recording medium executing game software program that includes scenes of exchange between a player or an on-screen character controlled by the player and scenes in which the player of the character controlled by the player having a plurality of different emotional responses. By having different magnitude of output values for different emotions by a pressure-sensitive means, one of ordinary skill in the art would be able to provide realistic interactive game. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention was made to modify Furukawa to include a magnitude of output values for different emotions by a pressure-sensitive means as taught by Best. To do so would be able to provide true to life expressive communication between a game player and the character on the screen.

Response to Arguments

3. Applicant's arguments with respect to claims 1-7 and 13 have been considered but are moot in view of the new ground(s) of rejection.

The combination of Furukawa in view of Best does disclose the magnitude of the pressure-sensing means with the emotional outputs. The structure used to determine the emotional output of the player being dependent on the pressure-sensing signal is known in the art. For example, in a flight simulator game, when the player decides to turn the controller left hard, the aircraft responds with a heavy amount of g-forces turning left. When the player gradually turns the controller left, the aircraft responds by gradually turning left. The concept

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and structure applied is the equivalent to the structure of the applicant's claimed invention. The only difference is the language used to describe a particular emotion.

Allowable Subject Matter

4. Claims 8-12 are allowed.

5. The following is a statement of reasons for the indication of allowable subject matter:

The structure used to disclose the magnitude of the pressure-sensing means with the emotional outputs is known in the art as discussed above, however, the method of which that structure is used is patentably distinct over the prior art of record. In particular, the generating of a pressure-sensing output signal from the pressure-sensitive means and transmitting an emotion of the player corresponding to the magnitude of the pressure-sensing output signal to at least one of the other on-screen characters. The prior art of record does not disclose nor teach the method as stated above. This statement is not intended to necessarily state all the reasons for allowance or all the details why claims are allowed and should not imply that all the reasons for allowance have been set forth.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

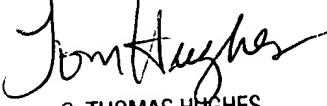
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alex P. Rada whose telephone number is 703-308-7135. The examiner can normally be reached on Monday - Friday, 08:00-16:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

APR
apr

April 2, 2003


S. THOMAS HUGHES
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700